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Filed : May 18, 1999

REMARKS

Claim 13 was canceled. Claims 1-12 and 14-15 have been amended to conform the claims to practice before the USPTO and to more clearly claim the invention. Support for amended claim 1 can be found in the Specification on page 1 lines 9 and 10. Claims 16-21 have been added. Support for claims 16-21 can be found in the claims as filed (specifically claims 1, 10, 11, and 2-6). As a result of the amendments, Claims 1-12, and 14-21 are presented for further examination. No new matter has been added herewith.

The changes to the claims by the current amendment, including deletions and additions, are shown on an attached sheet entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE, which follows the signature page of this amendment

**Rejection under 35 U.S.C. §112, second paragraph** - The Examiner has rejected Claims 1-15 as being indefinite for the following reasons: The Examiner believes the phrase "characterized in that" is indefinite, thus, the phrase has been amended to read "wherein" or alternatively "further comprising" when appropriate.

The Examiner has rejected Claims 2 and 15 as being indefinite for not reciting a structural limitation, thus, Claims 2 and 15 have been amended to recite structural limitations by amending the wording to "further comprising". The Examiner believed that the language "is available" in Claim 6 rendered the claim indefinite. Thus, Claim 6 has been amended to remove the phrase "is available". Claim 10 was believed vague and indefinite due to the recitation "considerably larger". Thus, this phrase was amended to remove the word "considerably". Claim 12 was considered indefinite with respect to the recitation of "said sterilization apparatus" and "the fluid reservoir". Thus, Claim 12 has been amended to recite "said apparatus provided in a casing" and "further comprising a fluid reservoir", thus, making the claim definite. Claim 14 has been amended to recite an apparatus "further comprising" water.

Thus, Applicants believe the above claims are now definite and respectfully request withdrawal of the rejection.

**Rejection under 35 U.S.C. §102(b) -**

The Examiner has rejected Claims 1-6 and 12 as being anticipated by Kalasek. The Examiner believes that Kalasek teaches a double-walled boiler sterilization apparatus having

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computer controlled, timed actuation, with a fluid reservoir. However, amended Claim 1 specifies: "whereby a volume of about 10 to about 50 liters of fluid is present between the inner and the outer wall". Thus, the presently claimed invention is a relatively small, easy to handle, compact and movable sterilization unit which is integrated with a control unit. This type of unit would typically be used by Dentists and Field medics for sterilization of smaller objects.

At the time of the invention of Kalasek et al, autoclaves and other sterilization units were very large and typically built into a lab. Downsizing of these apparatuses was not really possible until the necessary technical advances were made. Thus, Kalasek et al. could not have anticipated the compact sterilisation apparatus, because such a thing was not possible at the time of the invention of Kalasek et al.

In addition, New Claims 16-21 are drawn to a sterilisation apparatus with a cylindrical sterilisation boiler. Thus, these claims are novel because Kalasek does not teach a cylindrical sterilisation boiler.

#### **Rejection under 35 U.S.C. §103(a) -**

The Examiner has rejected Claims 10-11 and 14-15 as being obvious in view of Kalasek. The Examiner believes that Kalasek teaches a double-walled boiler sterilization apparatus having a square or rectangular shape.

However, the presently claimed invention is a compact sterilisation apparatus which would not have been possible at the time of the Kalasek et al invention. Thus, Kalasek et al does not teach all of the claimed elements. In addition, Kalasek et al does not teach or suggest a compact sterilisation apparatus and, since it would have been impossible at the time (1979), Kalasek could not render the presently claimed invention obvious.

The Examiner has rejected Claims 7-8 and 13 as being unpatentable in view of Kalasek and further in view of Brucker WO 92/01479. The Examiner believes that Brucker teaches the used of lateral supports within a boiler sterilizer for support of articles to be sterilized as well as a hinged, sealing door.

However, the presently claimed invention is a compact sterilisation apparatus which would not have been possible at the time of the Kalasek et al invention. Thus, Kalasek et al does not teach all of the claimed elements. In addition, Kalasek et al does not teach or suggest a

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compact sterilisation apparatus and, since it would have been impossible at the time (1979), Kalasek could not render the presently claimed invention obvious.

**Conclusion**

Should there be any questions regarding the above-identified patent application, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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### VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please cancel Claim 13.

Please replace the remaining claims with the following:

1. **(Amended)** A compact sterilisation apparatus for medical instruments and the like which is easy to operate, handle [and/or remove]and transport, said apparatus comprising a casing provided with a double-walled sterilisation boiler having an inner wall and an outer wall, whereby a volume of about 10 to about 50 liters of fluid is present between the inner and the outer wall such that a stable temperature of the inner wall can be achieved as well as steam generated therefrom.

2. **(Twice Amended)** The apparatus according to claim 1, [characterized in that]further comprising regulators and heating elements in said double boiler walls [can] which provide for a stable fluid temperature.

3. **(Twice Amended)** The apparatus according to claim 1, [characterized in that]further comprising an inlet and apparatus [means are present] for feeding steam for the sterilisation process pulsatingly into said boiler, and [means can also provide]an apparatus for providing a pulsating vacuum in said boiler such that air in the instruments or the like objects which are to be sterilised can be removed.

4. **(Twice Amended)** The apparatus according to claim 1, [characterized in that means are present]further comprising an apparatus for setting and measuring pressure, temperature, time and output [for controlling all phases occurring within said boiler before, during and after the sterilisation process].

5. **(Twice Amended)** The apparatus according to claim 4, [characterized in that said means are controlled by]further comprising a process computer which displays various data read-outs digitally and/or alphanumerically and/or graphically.

6. **(Twice Amended)** The apparatus according to claim 1, [characterized in that]further comprising a switch clock for [use of] "stand-by" purposes, wherein said "stand-by" purposes are [such as] for heating-up of and maintaining the temperature of said boiler, [, is available].

7. **(Twice Amended)** The apparatus according to claim 1, [characterized in that a sterilisation space of the boiler is provided with]further comprising lateral supports for a

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number of standard plateaus on which [instruments, whether wrapped or not, and/or bandage substances] objects to be sterilised may be placed.

8. **(Twice Amended)** The apparatus according to claim 5, [characterized in that] wherein the front or feed side of the boiler can be sealed pressure-tight by means of a heat-isolating hinged door provided with an incorporated nut whereby the casing to that end is provided with a swivelable hermetically sealing screw.

9. **(Amended)** [Apparatus] The apparatus according to claim [8, characterized in that the] wherein said sealing screw [seal] is operated by means of an electromotor of which the operating phases are [run via] operated by said process computer.

10. **(Twice Amended)** The apparatus according to claim 1, [characterized in] wherein said double-walled boiler [consists of] comprises a cylindrical sterilisation boiler placed symmetrically though non-concentrically within a cylindrical outer boiler, such that in the use-position the volume of the fluid or water space on the bottom of the double-walled boiler is considerably larger than at the top of the boiler.

11. **(Twice Amended)** The apparatus according to claim 1, [characterized in that] wherein said double-walled boiler [consists of] comprises a cylindrical sterilisation boiler placed concentrically within a cylindrical outer boiler.

12. **(Twice Amended)** The apparatus according to claim 5, [characterized in that] wherein said process computer and said sterilisation apparatus are provided in a casing [in which also] said casing further comprising the fluid reservoir with corresponding pump, control appendages, a dry-air connection and a connection to a vacuum line with valves[ are present].

14. **(Amended)** The apparatus according to claim 1, [wherein said fluid is] further comprising demineralized water.

15. **(Amended)** The apparatus according to claim 5, [wherein said data read-outs are displayed to] further comprising an internal or external printing apparatus for displaying said data read outs.

#### Added Claims

16. **(New)** A compact sterilisation apparatus for medical instruments and the like which is easy to operate, handle and transport, said apparatus comprising a casing provided with

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a double-walled sterilisation boiler having an inner wall and an outer wall, whereby a volume of about 10 to about 50 liters of fluid is present between the inner and the outer wall such that a stable temperature of the inner wall can be achieved as well as steam generated therefrom, wherein said double-walled boiler comprises a cylindrical boiler placed within a cylindrical outer boiler

17. **(New)** The apparatus according to Claim 16, wherein said cylindrical boiler is placed concentrically or symmetrically but non-concentrically within said outer boiler.

18. **(New)** The apparatus of Claim 16, further comprising regulators and heating elements in said double boiler walls which provide for a stable fluid temperature.

19. **(New)** The apparatus of Claim 16, further comprising an inlet and apparatus for feeding steam for the sterilisation process pulsatingly into said boiler, and an apparatus for providing a pulsating vacuum in said boiler such that air in the instruments or the like objects which are to be sterilised can be removed.

20. **(New)** The apparatus of Claim 16, further comprising an apparatus for setting and measuring pressure, temperature, time and output.

21. **(New)** The apparatus according to claim 16, further comprising a process computer which displays various data read-outs digitally and/or alphanumerically and/or graphically.